

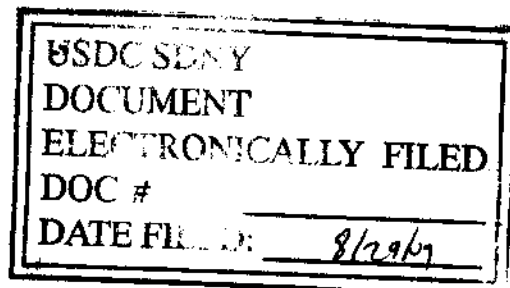
**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
RICHARD KELTER, individually and as Trustee
of the RICHARD KELTER TRUST DATED
JUNE 30, 2004,

Plaintiff,

-against-

APEX EQUITY OPTIONS FUND, LP, et al.,
Defendants.
-----X



08 CIVIL 2911 (NRB)

JUDGMENT

The Apex defendants having moved to dismiss pursuant to Fed. R. Civ. P. 12(b)(6), and the matter having come before the Honorable Naomi Reice Buchwald, United States District Judge, and the Court, on August 21, 2009, having rendered its Memorandum and Order dismissing plaintiff's federal securities law claims and dismissing plaintiff's non-federal claims without prejudice to refile in the appropriate non-federal forum, it is,

ORDERED, ADJUDGED AND DECREED: That for the reasons stated in the Court's Memorandum and Order dated August 21, 2009, plaintiff's federal securities law claims are dismissed and plaintiff's non-federal claims are dismissed without prejudice to refile in the appropriate non-federal forum; the Morley defendants' pending motion to dismiss for lack of personal jurisdiction is now moot since there are no pending federal claims against the Morley defendants.

Dated: New York, New York
August 29, 2009

J. MICHAEL McMAHON

Clerk of Court

BY:

Deputy Clerk

THIS DOCUMENT WAS ENTERED
ON THE DOCKET ON _____